

NAME(S) OF PARTY(S) TO DOCUMENT

**THE UNIVERSITY OF CHICAGO PRESS**

SECTION: 11 BLOCK: 1 LOTS: 28 and 30.1

**BARGAIN AND SALE DEED**  
**WITH COVENANT AGAINST GRANTOR'S ACTS**

THIS INDENTURE, made the 22<sup>nd</sup> day of February, 2006,

BETWEEN NIAZ A. MOMIN, P.C. PENSION / PROFIT SHARING TRUST, a New York profit-sharing trust, having a principal place of business at 7 Grand Street, Warwick, New York 10990, and MODERN PRODUCE FARM, INC. PROFIT SHARING PLAN AND TRUST, a New York profit-sharing trust, having a principal place of business at 7 Pillmeier Place, Florida, New York 10921, parties of the first part, and EMC OF TRI-STATE INC., a New York corporation, having a principal place of business at 36 Mill Plain Road, Danbury, Connecticut 06811, party of the second part,

WITNESSETH, that the party of the first part, in consideration of ONE AND NO/100 DOLLAR (\$1.00), lawful money of the United States, and other good and valuable consideration paid by the party of the second part, does hereby grant and release unto the party of the second part, the heirs or successors and assigns of the party of the second part forever,

ALL that certain plot, piece or parcel of land, with the buildings and improvements thereon erected, situate, lying and being in the Town of Goshen, County of Orange, State of New York, and being further described in the Schedule "A" description attached hereto and made a part hereof.

SUBJECT to right-of-way in Liber 1083, page 188.

SUBJECT to grant in Liber 663, page 525, Liber 2033, page 388, Liber 3521, page 170, and Liber 3188, page 349.

SUBJECT to easement and right of way as in Liber 1083, page 40 as amended in Liber 1554, page 26, and Liber 1247, page 207.

SUBJECT to conditions, notes, and setbacks as shown on filed map, if any; additional easements, covenants, and restrictions of record; public utility easements; and rights of the public in and to any portion of the property lying in the bed of a public road.

BEING a portion of the same premises conveyed by deed from Marc Isaacs, Esq. to Niaz A. Momin, P.C. Pension /Profit Sharing Trust, a New York profit-sharing trust, and Modern Produce Farm, Inc. Profit Sharing Plan and Trust, a New York profit sharing trust, dated October 27, 1998, and recorded in the Orange County Clerk's Office on November 12, 1998 in Liber 4913 of Deeds, page 28.

The transfer of property herein is not subject to the continuing lien of a credit line mortgage.

**TOGETHER** with all right, title and interest, if any, of the party of the first part in and to any streets and roads abutting the above-described premises to the center lines thereof;

**TOGETHER** with the appurtenances and all the estate and rights of the party of the first part in and to said premises.

**TO HAVE AND TO HOLD** the premises herein granted unto the party of the second part, the heirs or successors and assigns of the party of the second part forever.

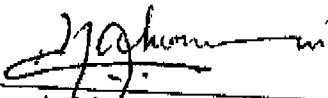
**AND** the party of the first part covenants that the party of the first part has not done or suffered anything whereby the said premises have been encumbered in any way whatever, except as aforesaid.

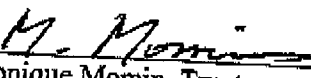
**AND** the party of the first part, in compliance with Section 13 of the Lien Law, covenants that the party of the first part will receive the consideration for this conveyance and will hold the right to receive such consideration as a trust fund to be applied first for the purpose of paying the cost of the improvements and will apply the same first to the payment of the cost of the improvement before using any part of the total of the same for any other purpose.

[The word "party" shall be construed as if it read "parties" whenever the sense of this indenture so requires.]

**IN WITNESS WHEREOF**, the party of the first part has duly executed this deed the day and year first above written.

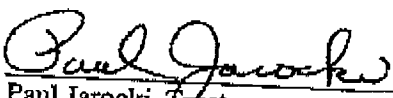
**NIAZ A. MOMIN, P.C. PENSION /  
PROFIT SHARING TRUST**

By:  (L.S.)  
Niaz A. Momin, M.D., Trustee

By:  (L.S.)  
Monique Momin, Trustee


**MODERN PRODUCE FARM, INC.  
PROFIT SHARING PLAN AND TRUST**

By:  (L.S.)  
Frank Jarocki, Trustee

By:  (L.S.)  
Paul Jarocki, Trustee

STATE OF NEW YORK )  
 ) ss.:  
COUNTY OF ORANGE )

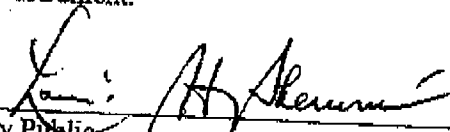
On the 22<sup>nd</sup> day of February, 2006, before me, the undersigned, personally appeared NIAZ A. MOMIN, M.D., known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his capacity and that by his signature on the instrument, the individual, or the person upon behalf of whom the individual acted, executed the instrument.

  
Notary Public

LOUIS H. SHERWIN  
Notary Public, State of New York  
No. 02SH8970900  
Qualified in Orange County  
Commission Expires February 28, 2007

STATE OF NEW YORK )  
 ) ss.:  
COUNTY OF ORANGE )

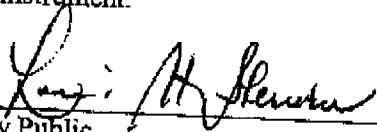
On the 22<sup>nd</sup> day of February, 2006, before me, the undersigned, personally appeared MONIQUE MOMIN, known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledged to me that she executed the same in her capacity and that by her signature on the instrument, the individual, or the person upon behalf of whom the individual acted, executed the instrument.

  
Notary Public

LOUIS H. SHERWIN  
Notary Public, State of New York  
No. 02SH8970900  
Qualified in Orange County  
Commission Expires February 28, 2007

STATE OF NEW YORK )  
 ) ss.:  
COUNTY OF ORANGE )

On the 22<sup>nd</sup> day of February, 2006, before me, the undersigned, personally appeared FRANK JAROCKI, known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his capacity and that by his signature on the instrument, the individual, or the person upon behalf of whom the individual acted, executed the instrument.

  
Notary Public

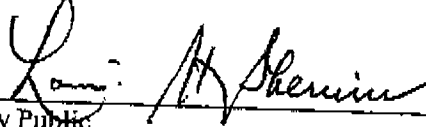
LOUIS H. SHERWIN  
Notary Public, State of New York  
No. 02SH8970900  
Qualified in Orange County  
Commission Expires February 28, 2007

STATE OF NEW YORK )

: ss.:

COUNTY OF ORANGE )

On the 22<sup>nd</sup> day of February, 2006, before me, the undersigned, personally appeared PAUL JAROCKI, known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his capacity and that by his signature on the instrument, the individual, or the person upon behalf of whom the individual acted, executed the instrument.

  
Notary Public  
**LOUIS H. SHERWIN**  
Notary Public, State of New York  
No. 02SH8970900  
Qualified in Orange County  
Commission Expires February 28, 2007

## SCHEDULE A

All that certain plot, piece or parcel of land being situate in the Town of Goshen, County of Orange, State of New York, bounded and described in accordance with a survey by J.M. Robert, PLS, dated September 15, 2000:

BEGINNING at the center of a stone pillar found at the southwest corner of lands herein to be described and on the easterly line of New York State Route 17M, said pillar being the northwest corner of lands of Lucas (liber 5071, page 316), said point being located, N 9°02'24" W, 243.00 feet along said line of Route 17M from a concrete monument found at its intersection with the northerly line of Virginia Lane; RUNNING THENCE the following four (4) courses and distances along said line of Route 17M: 1) S 71°25'50" W, 22.08 feet to a point, thence 2) N 15°37'40" W, 257.11 feet to a point, thence 3) N 14°46'10" W, 109.59 feet to a point, thence 4) N 14°59'10" W, 45.94 feet to a point, being the southwest corner of lands of Kolk (liber 1786, page 457); THENCE along said lands the following six (6) courses and distances: 1) N 65°52'50" E, 212.57 feet, passing over an iron pipe set atop an iron pipe found buried at 2.32 feet, to an iron spike set in the center of a gravel driveway, thence 2) S 24°04'10" E, 36.45 feet to an iron pipe set, thence 3) S 84°17'40" E, 68.03 feet to a pk nail set near the corner of a concrete driveway, thence 4) S 23°26'40" E, 60.86 feet to an iron spike set in the limb of a willow tree, thence 5) S 22°56'10" E, 141.86 feet to an iron pipe set, thence 6) N 71°57'27" E, 284.12 feet to an iron pipe set atop an iron pipe found buried at the northwest corner of lands of Hanbro LLC (liber 5112, page 275), said point being a corner of Lot 2 as shown on a map entitled "Subdivision & Development Plan, Virginia Hills, Town of Goshen, Orange County, NY dated January 1988, filed in the Orange County Clerk's Office on May 19, 1993 as Map No. 80-93"; THENCE along said lands and filed map lot line, S 29°40'39" E, 135.31 feet to a rebar found; THENCE along the same partway and along the afore-mentioned lands of Lucas, S 73°17'05" W, 376.76 feet, passing over an iron pipe found at northeast corner of said lands of Lucas (filed map lot 1) to a pk nail found for a corner; THENCE still along said lands of Lucas and said filed map lot line, S 25°06'18" E, 39.30 feet to an iron pipe found; THENCE along the same, S 70°27'26" W, 232.43 feet, passing over an iron pipe set 2.20 feet from the terminus of this course, to the point or place of beginning, containing 159,002 square feet or 3.650 acres of land.

SUBJECT TO municipal and public utility company easements in existence or of record.

TOGETHER with a common right of way over the driveway near the northwest corner of the above-described parcel, to the easterly line of Route 17M.

BEING a portion of the same premises as described in liber 4913, page 28.